191

Department of Settlement

OFFICE D.C. Pare

STATION Madras.

Mscl. **No.** 2595

DESPATCH
15 DEC 1921
BOARD SETT. DEPT.

Dated 14-XII-21

To whom sent		Date	Initial.
	Given for copying		
	Copied		
	Examined		
	Signed		
	Given for despatch		
	Despatched		
	Indexed		
	To be destroyed on		

(SUBJECT.)

Assignment of Lands 88 - Reserved along banks of streams - Collr.'s proceedings dated 10th

To Secretary

The correspondence which led to the issue of G.O. No. 1576 dt. 21-1-1921, referred to in the Collr's letter, was no doubt dealt with in the Sett: Deptt: The question raised in that letter, viz, assessment of encroachments on margins of beds of rivers in the course of revenue administration is reviewed, one for disposal in L-R. The current file therefore be transferred to that deptt

R
27.7.21.

Sig
26-7-21.

26/7/21

at least such a minimum appears nec. in order to provide agst. erosion rivers which may neces the putting up of fresh protective banks &c. If no proper margin is left between the bed of a river and its embankment, private land will have to be acquired not only for putting up fresh bunds but also to take earth for the repair of old embankments. The Course of some of the rivers (e.g. the Gandak) is so changing that the shifting of their embankmen becomes a matter of frequent neces Again even for ordinary irrigation sources such as tanks a margin of chain breadth is required to be excluded from assgt. Vide § 11 of B.S.O. A much larger margin appears nec. in the case of rivers and streams.

If generally patta lands do extend
the margin, there can be no objection
assigning boundaries
Govt. however carries a much wider
Whether he may be given discretionary
of assignment
He may be told that the intention is
safeguard adjacent lands &c. consis-
tent it is desirable that Govt. sh.
be put to the expense of acquiring
for protective works that are
the discretionary power may be given
these instructions are observed the
power is used.
Can be sure that he will
Can you trace the origin of
explan. to Govt. & give a limited
does Upmangadu &c. lie? Put to

Col. has referred to Para 2 in his letter.

Another pt. – The particular matter arose on Re-sett. in Madura Dt. Is it for guidance only in Re-sett. operations or is it to apply to ordinary assignments also. In the latter case existing parameters alone would be of use & terms affected

I think that Collectors should be given discretion in such matters: it is only the local officer that can satisfy himself that the conditions are satisfied.

2. But it is essential that we should be able to explain to him precisely the reasons which underlie the reservation of 50 links: at present we dont seem to know ourselves.

3. I believe there must be papers in our office which will explain it: it was in 1906-7 that the question of reserving stream margins came into prominence. If you cant find it in our record ask the Revenue Secretariat.

4. My idea is that the main object is the protection of spring sources: but other objects may be in view, and before we give Collectors discretion, as I think we should do, we must explain the matter fully to them.

5. In the present case the occupation is 9 years old and it is improbable, that any good will be done by resuming possession. But we cannot decide this either until we ascertain the full object of the rule.

10.3.21

"of stream margins appears to
"have come into prominence
"during the years 1906-1907
"The main object seems to be
"the preservation of spring
"sources Will you kindly
"refer me to the orders of
"Court on the subject explaining
"the full object of the rule and
"send copies ~~of the orders~~ of same."

8.24 M 1924 2M 1924 MM M.D

To Secy.

The following T.M. to Under Secy. to Govt. R&R is to for. appl.

"Please see my T.M. dated 19.8.21 requesting to refer me to any orders of Govt on the subject of reservation of stream margins and subsequent reminders on 9.9.21, 17.9.21 and 23.9.21. Kindly let me know when a reply may be expected".

B 4.10.21 5.10.21

Issued 6.10.21

W 5.10.21

P.P. 5.10.21 Pm. 6.10.21

D.O. D4/M.No. 6/10

C.F. 271.

OFFICE OF THE B&R

Dated 11-10-1921.

Hours Minutes.

TELEPHONIC MESSAGE.

From The Under Secretary to Govt Rev Deptt.

To A.S.

OFFICE OF THE IRR

Dated 11-11-1921

16 Hours 35 Minutes.

TELEPHONIC MESSAGE.

From The Under Secretary & Legal Rev: Dept.

To The Secretary

Strayen BRR
Your ltr of 17-9-21 reservation of free margin - Please see B.P. 502 of 8.9.1892 & G.O. No 406 of 12th May 1893 - Papers.

No perhaps directly bearing on the question can be ~~too~~ traced. The Board R.S. may perhaps be asked to throw some light.

SLHP/XI. HL 11.11.21 WMiller

To A.S.

See H.'s orders at p. 4 supra and reply

For orders as to margin should be required. See 3/6 of Ex. Engineers letter No 36/S of 1-8-1892

Shld. this file be forwarded to Sett. Dept. for remarks? It is transferred to L.R. from that Dept. for the that

B 12-11-21

of encroachments on margins of rivers. The real point at issue however appears to be why the 50 links margin has been prescribed at all. This is a matter on wh. the Irrl. Deptt may be able to throw light as suggested in the telephone from Govt. may be sent to Settl U.O

Sett. U.O

17.11.4

List of papers.

(1) Current file – 2 pp
(2) Note file – 8 pp.
(3) B.P. 339 P (ori) dt 15.6.93
(4) " 502 – do – 28.9.92
(5) " " (S.C) do.
(6) " 22 Sett (S.C) 3.2.21
(7) " 1990 Mis. Sett dt 2.11.20
(8) " 22 P (ori) Sett dt 3.2.21
(9) " 1282 Mis Sett dt 13.7.20
(10) " 225 Rt L.R. dt 25.1.21
(11) " 1423 " " dt 16.6.20
(12) " 3035 " " dt 26.8.04
(13) " 3266 " dt 22.11.07.
(14) " 2050 M dt 23.7.07
(15) " 2013 M dt 16.7.07
(16) " 1828 M dt 24.6.07
(17) " 366 M dt 1.2.07
(18) " 2823 M dt 2.7.06
(19) " 736 M dt 22.2.06
(20) " 697 M dt 19.2.06
(21) " 374217 dt 24.10.05
(22) " 2486 M dt 21.7.05
(23) " 978 M dt 15.3.05
(24) " 1796 M dt 12.5.06
(25) " 2375 M dt 5.7.06
(26) " 405 P (ori) 30.6.04

L.R. & O. No. B 3103 /21 dt 17.11.21

A1079
19.11.21

BOARD OF REVENUE
19 NOV 1921
LAND REVENUE DEPARTMENT

To Secretary

The 50 links margin was prescribed with reference to M/s (Mr. Buckley's) orders at p.2 of B.P. 1282 Mis, dt. 13-7-20, 2 of B.P. 1990 Mis, dt. 2-11-20 and p.3 B.O. No. 22 Rev, dt. 3-2-21.

22.11.21

(A) (Z) (G1)

18/11/21

23.11.21

BOARD OF REVENUE
23 NOV 1921
LAND REVENUE DEPT.
MADRAS

B 4766.

p. 8 n.F. W.O. from Sett. No. A.107.9/21-1 dy 23.11.21 (B 4766/21)

To A.

p. 8 n.f.

See W.O reply from Sett ~~Trans~~.
The shows that the reservation was held necessary by the Sett-Deputy because (1) any tree growth on the banks might be destroyed resulting in a likelihood of the streams drying up & (2) the Assignees might claim to do what they liked with the water & that there was overmuch timber on account of the absence of these reservations. Vide Bd's Min no. 1990 dy 2.11.20 & an Enquiry from Grant (not Memo No. 5733, dy 20.1 dy 13.12.20) as to what reservations conditions should be made, the Bd. Sec. replied on B.f. it Ref. 250-A/20-1. dy 6.1. that each case might be judged on its own merits, but that it would be wise to reserve a breadth of not less than 50 links on each bank of a stream.

BD 24.11.21

It will thus be observed that the G.O. No. 157, Rev. dy 21.1.21 referred to by the Coll. was issued at the instance of the Sett-Deputy. The Coll. has asked for a G.O. Con[illegible] with which he has asked for a G.O. Con[illegible] of the Coll. [illegible]

appertain to that Dept. May it be transferred to that Dept with a request that a copy of their order may be communicated to K.A.

25.11.14

G.O No 157 Rev. d. 21.1.4 (G)

[illegible] to the Settlement Dept & laid down that "as a general rule a man of 18 stone or 50 inches or the bulk of a otter should be deemed

[illegible]

The Standing Reserving of Stores at all Settlement

under Res. Govt No 1282 d. 13.7.20 & Res. Govt No 1995 d. 2.11.20 printed [illegible] 2 of the G.O 7 of (G)

[illegible] The Collector & S. Trustee

& [illegible] Govt Servants [illegible] Districts

[illegible] matter of requirements for

Kistna Godavari Agency is unnecessary.

[illegible] will involve a deviation from General Rule [illegible] by Sett. & accepted by Govt.

If Govt wishes the case to be dealt with by the Sett. Dept

The idea of reserving margins of streams had its origin many years ago(about 1907)in an enquiry into the relation between forests and water supply which was made all over India. The Chief Conservator could probably quote us the reference. Flâg G must be simply acting on that enquiry's decision, for remember that one of the main conclusions was that forest covering spring sources and river margins, which often are spring sources, should be preserved. But the reason obviously operates variously - it affords no justification for reserving bare banks of rivers, and if these are to be preserved, it must be for some other purpose. It seems of doubtful necessity to extend this to all river margins, and I think that the Collr should have discretion, subject to certain broad principles.

However, as this appears to be a subject for Sett^t the file may be sent to them.

See Office Note at foot of page 4. The heading to look up was probably "Forest"

To Secretary

The L.R. file above is submitted for orders.

2/- The reservation of a margin of 50 links along banks of stream was recommended by the Board in this Department for the reasons stated in B.P. No. 1990 dis, dy. 2-11-1920. Please see the late Commissioner orders referred to at the bottom of page 8 ante

9/- once discretion is the allowed.

6-12-21

The Collector will pass orders on the Reports of Subordinate Officers who depute on R.J.S. Some amount is necessary, however arbitrarily it may be. I have seen cultivation carried to the very edge of the bank.

KLV
9-12-21

B 3103 / A Se

B 19-H
A 5

Ref. C. No. 4138-21-V. 5.

South Kanara Collector's
Mangalore, 19th July

From

R. H. Ellis, Esquire, I.C.S.,
Collector of South Kanara.

To

The Secretary to the Board,
Revenue Settlement,
M a d r a s.

Land along banks of streams - Reservation - Margin of 50 links.

S. No. 163/2 of Laila village of Uppinangady Taluk of --- this district, measuring 28 cents in extent, which stands ---- registered as 'poramboke river' has been encroached upon by -- the adjoining wargdar and converted into a paddy field. It is situated on a higher level than the actual bed of the stream, and the encroachment is reported to be 9 years old and -------- unobjectionable. In G.O. No. 157, Revenue, dated 21st January 1921, communicated with B.P. No. 22 R.S., dated 3rd February -- 1921. it is laid down that as a general rule a margin of ----- 50 links should be reserved, when assignments are made along - banks of streams. If, according to the Government Order, a minimum margin of 50 links is cut off in this case for reservation a sufficient area will not be left to justify a transfer of the plot from poramboke to assessed with a view to its ----- assignment, as a major portion of the paddy field falls within 50 links.

Q
Is this to be A

If the rule has been introduced for the protection of tree-growth, it is quite unnecessary so far as this district is concerned, with its ample rainfall and plentiful tree-growth and so far as it prevents the claims of riparian owners to the bed of the stream, there have been no such cases in this ----

district. Encroachments on margins or beds of rivers or --- streams or on river accretions are being made by the adjoining pattadars and they are being assigned to the agamedars after collecting proper site value if the encroachments are found - to be unobjectionable. In future, such reclamations within 50 links on banks of streams cannot be assigned and the ----- encroachments will have to be removed. But I do not think - there is any necessity in this district to discourage such -- improvements especially along the lower reaches of the rivers or streams, if they are unobjectionable. I beg, therefore, to recommend that so far as this district is concerned the -- Collector may be given discretion to assign unobjectionable - encroachments on river beds or margins according to the ----- present practice, in cases he thinks 50 links margin is not - necessary.

P Menembran
20/7/21
For Collector.

M. S. R. /20-7.

Init 20.7.21. AM 20/7

4138.21 V5

B4959

South Kanara Collector's Office,
Mangalore, 3rd December 1921.

A11151

From R. H. Ellis Esquire, I.C.S., Collector of South Kanara.

BOARD OF REVENUE 5 DEC 1921 LAND REVENUE DEPT. MADRAS

BOARD OF REVENUE 7 DEC 1921 REVENUE SETTLEMENT

To The Secretary to the Board,
Land Revenue, Madras.

Land along banks of streams - Reservation - Margin of 50 --- links.

My letter Ref.C.No.4138-21-V5, dated 19th July 1921.

I request that early orders may be passed on the above --- reference as nearly two dozen papers are pending disposal owing -- to non-receipt of orders.

D Manubrau
3.12.21
For Collector.

RECEIVED 6 DEC 1921

Encl B 4959 6-12-21. 3/12

Transferred to the Sett. Depn.

A Marguman 6/12/21
Asst. Secy. Board

R. F. XXII-A-19—6,492—11-4-21.

Subject.— Assignment — South Kanara D
Reservation along banks of
streams — Collector given
discretion.

FOR MEMBER N

Secy.

READ AGAIN B.P., No. _____ dated _____ 192

" " " _____ " " _____ 192

READ ALSO :—

Register No. A589/21 From the Coll'r: of S. Kanara No. Rc. 4138 dated 19-7-1921 & 21-V-5 Coll'r: & to Gov

" " _____ " " _____ " _____ " _____ 192

" " _____ " " _____ " _____ " _____ 192

RESOLUTION (Mis) No. 2695, dated 14 12 21 192

The Collector's recommendation
in the concluding sentence
of his letter read above —
is approved; subject to the
remark that the principles
laid down in B. P. No. 1990
Mis, dt. 2-11-1920, printed
in B. P. No. 22 dt. 3-2-1921,
should be kept in view
in assigning lands on
the banks of streams.

JVK

13-12